

Pauley, J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9/25/12

-----X

CAPITOL RECORDS, INC. et al.,

:

Plaintiffs,

:

07 Civ. 9931 (WHP)(FM)

-against-

:

MP3TUNES, LLC et al.,

:

ORDER

Defendants.

:

-----X

WILLIAM H. PAULEY III, District Judge:

WHEREAS, at a conference before the Court on September 14, 2012, newly retained counsel for Michael Robertson, the firm of Akerman Senterfitt LLP, explained that they have been unable to procure the document productions, deposition transcripts, deposition exhibits, pleadings and other documents filed with the Court, discovery demands, and responses thereto in this case from Defendants' former counsel, Duane Morris LLP and that this inability to obtain files will interfere with their ability to prepare its client's defense, brief the pending motions for reconsideration, and prepare for trial, and

WHEREAS, counsel for Plaintiffs are willing to make copies of such documents available to counsel for Robertson on the conditions that Robertson pay for all agreed costs of duplication and that Plaintiffs not be exposed to any claims that they breached any alleged retaining lien that may be asserted by departing counsel, Duane Morris; and



WHEREAS, counsel for Duane Morris in seeking permission to withdraw as counsel stated that it would fully assist new counsel in transitioning the representation by providing critical documents on an expedited basis;

WHEREAS, this Court has determined that it is in the interests of the administration of justice and equity that the prosecution and trial of this action not be delayed or interfered with as a result of any fee dispute between Duane Morris and its former client(s);

It is hereby ORDERED that counsel for the Plaintiffs, the firms of Jenner & Block LLP and Pryor Cashman LLP, provide Akerman Senterfitt LLP with copies of the aforementioned materials (insofar as such materials are reasonably available to them); that Defendant Robertson reimburse the Plaintiffs for their agreed expenses incurred in doing so; and that such actions by Plaintiffs' counsel will not subject Plaintiffs' counsel or their clients to any exposure for any violation of any alleged retaining lien subsequently asserted by Duane Morris.

Dated: September 24 2012
New York, New York

SO ORDERED:


WILLIAM H. PAULEY III
U.S.D.J.


Counsel of record:

Andrew H. Bart, Esq.
Jenner & Block LLP
919 Third Avenue, 37th Floor
New York, NY 10022
Counsel for the EMI Label Plaintiffs

Frank P. Scibilia
Pryor Cashman LLP
7 Times Square
New York, NY 10036
Counsel for the EMI Music Publishing Plaintiffs

Ira S. Sacks
Akerman Senterfitt LLP
335 Madison Avenue, 26th Floor
New York, NY 10017
Counsel for Defendants